

REMARKS

Claims 1 to 75 are pending. The Examiner withdrew claims 7 to 11, 30 to 32, 34, 39 to 41, 44, 54 to 58, 66 to 68, 70, and 73 to 75 as being drawn to a non-elected species. Claims 1 to 6, 12 to 29, 33, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 are under examination.

The Examiner rejected claims 1 to 6, 12 to 17, 29, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,226,464 B2 to Garner et al. ("Garner").

Applicant respectfully traverses this rejection of the claims. Garner does not teach or suggest the claimed subject matter. Claims 1, 36, 42, 43, 45, and 72 are the independent claims under examination.

The independent claims under examination all require that "the third elongate tubular body [is] slidable within the lumen of the first elongate tubular body". The Examiner construes dilator tip 128 of Garner to be a third elongate tubular body and spring coil 130 to be a first elongate tubular body. However, spring coil 130 is bonded to dilator tip 128 at bonding region 132 on dilator tip 128. Column 4, lines 40 to 42. Accordingly, the third elongate tubular body (dilator tip 128 as construed by the Examiner) cannot slide within a lumen of the first elongate tubular body (spring coil 130 as construed by the Examiner), as required by the independent claims under examination.

The independent claims under examination all require that "the first and second tubular bodies [are] permanently disposed so that the first and second tubular bodies are not adjacent to each other". The Examiner construes spring coil 130 of Garner to be a first elongate tubular body and filter 22 to be a second elongate tubular body. However, filter 22 moves relative to spring coil 130 since spring coil 130 is part of the catheter 110 that is used to retrieve the filter 22. Column 4, lines 49 to 53. Accordingly, the first tubular body (spring coil 130 as

construed by the Examiner) and the second tubular body (filter 22 as construed by the Examiner) are not permanently disposed relative to each other, as required by the independent claims under examination.

Independent claims 1, 42, and 45 require that “the distal portion of the third elongate tubular body [is] able to be disposed in the lumen of the second elongate tubular body”. The Examiner construes filter 22 of Garner to be a second elongate tubular body and dilator tip 128 to be a third elongate tubular body. In Garner, distal advancement of dilator tip 128 causes tip 128 to attach to stop 126, and stop 126 is placed proximally to filter 22. Stop 126 prevents dilator tip 128 from entering filter 22. Column 4, lines 49 to 56, and FIGS. 3 and 4. Accordingly, the distal portion of the third elongate tubular body (dilator tip 128 as construed by the Examiner) cannot be disposed in the lumen of the second elongate tubular body (filter 22 as construed by the Examiner), as required by independent claims 1, 42, and 45.

Independent claims 45 and 72 require “disposing the guide wire proximal end within the lumen of the second elongate tubular body and not within the lumen of the first elongate tubular body”. The Examiner construes spring coil 130 of Garner to be a first elongate tubular body and filter 22 to be a second elongate tubular body. The Examiner has further construed filter wire 20 to be an elongate member joining the first and second elongate bodies and pushing member 984 to be a guide wire. In Garner, pushing member 984 is not a guide wire and it is not disposed within a lumen of filter 22. (Filter wire 20 is related to filter 22, but the Examiner has already defined the filter wire 20 to be the elongate member joining the first and second elongate bodies.) Accordingly, the guide wire (pushing member 984 as construed by the Examiner) is not disposed within a lumen of the second elongate tubular body (filter 22 as construed by the Examiner), as required by independent claims 45 and 72. In addition, if filter wire 20 is considered to be

a guide wire, it is disposed within the lumen of the first elongate tubular body (spring coil 130 as construed by the Examiner), which is not permitted in independent claims 45 and 72.

All other claims in this rejection depend from the independent claims discussed above so the same analysis applies to them. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 18 to 28 under 35 U.S.C. § 103(a) as unpatentable over Garner as applied to claim 1 above.

Applicant respectfully traverses this rejection of the claims. As discussed above, Garner does not teach or suggest the subject matter of claim 1. All of the claims in this rejection depend from claim 1 so the same analysis applies to them. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of the claims.

The Examiner did not indicate a reason for the rejection of claim 33.

In view of the above remarks, Applicants respectfully request that the Examiner withdraw the rejections of the claims.

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Response
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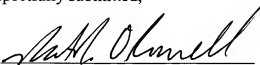
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an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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